

Summary of Results: Zoning Recodification Public Forum

The Zoning Recodification Public Forum was the first in a series of public forums designed to engage residents in focused discussion about recodifying Arlington's Zoning Bylaw. The purpose of this first forum was to give participants context and information that would enable them to discuss and provide feedback on the existing zoning bylaw and set the stage for discussion about proposed amendments to the zoning bylaw. The first forum took place on July 13, 2017 at the Arlington Senior Center from 7:00 p.m. to 9:00 p.m. Forty (40) people attended; Arlington Redevelopment Board (ARB) members, Zoning Recodification Working Group members, representatives of a range of town committees and commissions, Town Meeting members, and residents participated alongside Town officials.

Andrew Bunnell, chair of the ARB, opened the meeting and welcomed meeting participants. Following the opening, Eric Halvorsen, AICP, from RKG and Associates delivered remarks about the fundamentals of zoning, the overall zoning recodification process, how the process has worked in other municipalities. Steve Revilak, Town Meeting member and Zoning Recodification Working Group member, then delivered remarks about why he joined this effort and his personal experience working with the existing zoning bylaw in Arlington. Jennifer Raith, director of planning and community development for the town, then discussed the recodification process in Arlington, including the timeline, and outlined the proposed amendments to the zoning bylaw. She then outlined the table exercise for small group discussions. Six groups discussed the following: issues meeting participants encountered reading, using, or understanding the current zoning bylaw and ways to make a more user-friendly bylaw. Each group reported out a summary of their discussion to the full group. The meeting wrapped up at 9:00 p.m. The next public forum is scheduled for Thursday, September 14, 2017.

Feedback from the group discussions included the following:

Meeting participants requested a clearer explanation of bylaw edits: how and why items in the zoning bylaw were moved or amended. This explanation will provide for a more meaningful review process of proposed amendments. For example, the town might create a list of amendments that conform to State law and case law, e.g. for pre-existing non-conforming structures, the Dover amendment (religious and educational uses), and Reed v. Gilbert (signs). Participants also requested a companion guide to development and permitting. Participants requested noting future amendments to the bylaw that will address policy, including various land use and housing recommendations in the Master Plan.

Participants also discussed amendments to the Sign section of the zoning bylaw. There was discussion about why the town might consider moving requirements to the Town Bylaw from the Zoning Bylaw (there are sign requirements in the current Town Bylaw). Participants weighed the potential implications of moving the bylaw, e.g. enforcement and appeals process, but noted that it might be easier to amend via general Town Bylaw than in the Zoning Bylaw. The town's sign requirements are an example of why the zoning bylaw is not in compliance and need to be amended to address U.S. Supreme Court decision (Reed v. Gilbert), Massachusetts court decisions, and Federal Trademark laws. Participants also suggested that the town have sign requirements for different districts and to simplify the overall requirements.

Another major topic was about proposed amendments to definitions. Participants had a range of comments about the proposed amendments: definitions should be in the Definitions section and not

spread throughout the bylaw as it is today; definitions could be combined and further edited; and definitions might include references to common terms, i.e. sheds, additions, teardowns. Some participants wondered why specific terms changed, including retaining wall, home occupation, and commercial vehicle.

The following list from meeting participants provides suggestions on the readability, accessibility, and formatting of the new bylaw:

- Table of Contents--concluding periods are unnecessary.
- Reference Town Meeting amendments that have been made over time – this could be online only.
- Flow chart for different types of projects-adjunct to the zoning bylaw.
- Should be easy to update, especially around changing case law.
- Make it online and searchable, with hyperlinks.
- Have an on line address list telling people what zone their property is in and link to the Zoning Bylaw.
- Links within the Bylaw, and to other regulations, including Wetland Protections, Town Bylaw, and State Law.
- Somerville's online ordinance is very searchable; they use a commercial company to ensure compliance with State Law.
- Move parking and other regulations into section with districts, i.e. residential parking and commercial parking.
- New format is sufficiently un-cluttered. No vertical grid lines needed. Horizontal works well.
- Incorporate footnotes into text wherever possible
- Readability is much improved
- Careful proofreading is needed.
- Make it clear why some text is bold or italicized.
- Current document has pages with graphics and text which can be very helpful, but there are many odd lots. It's difficult to draw a graphic for a typical lot.
- Keep drawings as simple as possible.
- Text can address specifics, rather than a graphic.
- Zoning map should be physically part of the bylaw.
- Note that blanks in the Use Table mean “no”.

Additional issues that were raised at the forum:

- No objections to omitting Inland Wetlands district; the town has a great wetlands bylaw. It would be helpful to know if the Inland Wetlands section is more or less stringent than the town's Wetland Protection regulation.
- Need to address current zoning bylaw Nonconforming Uses, Structures, and Lots.
- Regulations of lots might be changed to facilitate lower energy homes.
- Concerns that some summarizations may inadvertently result in policy change.
- Simplification of bylaw Purpose may take away protections by omitting them in the new draft. (Purpose references state law.)
- New large addition provision isn't as clear as the old one.